

1 **LEW BRANDON, JR., ESQ.**

Nevada Bar No.: 5880

2 **DAVE M. BROWN, ESQ.**

3 Nevada Bar No. 12186

TRAVIS H. DUNSMOOR, ESQ.

4 Nevada Bar No.: 13111

MORAN BRANDON BENDAVID MORAN

5 630 S. Fourth Street

6 Las Vegas, Nevada 89101

(702) 384-8424

7 (702) 384-6568 - *facsimile*

l.brandon@moranlawfirm.com

8 Attorneys for Defendant,

9 ALBERTSON'S, LLC

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CATHI BROOME, an individual,

13 Plaintiff,

14 v.

15 ALBERTSON'S, LLC, a foreign
16 corporation d/b/a Albertson's; DOES I
17 through X; and ROE
18 CORPORATIONS I through X,
19 inclusive,

Defendants.

CASE NO.: 2:14-cv-02157-RFB-GWF

20 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
21 **PLAN AND SCHEDULING ORDER**
22 **(THIRD REQUEST)**

23 Plaintiff, CATHI BROOME, and Defendant, ALBERTSONS, LLC, by and through
24 their undersigned counsel, submit to the Court the following Stipulation and Order for
25 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR 26-4 (a)
26 and to Court Order Document No. 10.

27 **I. Local Rule 6-1**



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

Under LR 6-1(b) every stipulation to extend time must inform the court of any previous extensions granted and state the reason for the extension requested.

A. The Requirement of Local Rule 6-1 Are Satisfied

This is the Third request for extension filed by the parties. This extension is requested so that Defendant may continue to compile Plaintiff's medical records both allegedly related to this matter's subject incident and her pre-incident injuries and treatment.

II. Local Rule 26-4(a)

Under LR 26-4 (a) a statement specifying the Discovery completed:

Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures, with supplements thereto. Additionally, both Plaintiff and Defendant have exchanged and responded to written discovery requests. Defendant has subpoenaed Plaintiff's various disclosed medical providers, but is still awaiting responses from at least one (1) of Plaintiff's known treating providers. Plaintiff's deposition was completed on February 24, 2015.

III. Local Rule 26-4(b)

Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

The remaining Discovery to be completed involves initial and rebuttal expert disclosures, initial and rebuttal experts depositions, Plaintiff's treating providers, Defendant's 30(b)(6) witness(es) and designated fact witnesses. Additionally, Defendant is still awaiting responses from at least one (1) remaining provider. Lastly, Defendant is in the process of determining the need for a FRCP Rule 35 exam, which is based upon receipt and confirmation of Plaintiff's complete pre- and post-incident treatment history.



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1 **IV. Local Rule 26-4(c)**

2 Under LR 26-4(c) the reasons why Discovery remaining was not completed within the
3 time limits set by the Discovery Plan:

4 Defendant had delayed responses to subpoenas from at least three (3) of Plaintiff's
5 known treating providers, and is still awaiting responses from at least one (1) remaining
6 provider. Defendant has been diligent in attempting to secure responses to all its subpoenas,
7 however, at least one (1) response to these subpoenas remains outstanding. Additionally, due
8 to the delayed subpoena responses from Plaintiff's medical providers, Defendant has not
9 been able to completely investigate Plaintiff's complete medical history. Finally, due to the
10 existence of possible pre-existing medical conditions, an FRCP Rule 35 Exam may be
11 necessary, after receipt of Plaintiff's complete medical history.
12
13

14 **V. Local Rule 26-4(d)**

15 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:

- 16 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from October
17 16, 2015 to a Discovery cutoff date of November 16, 2015;
18
19 (ii) Expert witness disclosures from August 17, 2015 to a new date of September 16,
20 2015;
21
22 (iii) Rebuttal expert witness disclosures from September 18, 2015 to October 19,
23 2015;
24
25 (iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be
26 extended to January 19, 2015;
27
28 (v) Interim Status Report from August 17, 2015 to a new date of September 16,
2015; and



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(vi) Final date to file Dispositive Motions extended from November 16, 2015 to December 16, 2015.

Therefore, good cause existing, counsel jointly request that this Honorable Court allow them the above proposed extended Discovery dates.

DATED this 23rd day of July, 2015.

**LAW OFFICE OF BENJAMIN NADIG,
CHTD.**

**MORAN BRANDON BENDAVID
MORAN**

/s/ Ben Nadig, Esq.

BEN NADIG, ESQ.

Nevada Bar No. 9876

Law Office of Benjamin Nadig, Chtd.

324 S. Third Street, Suite 200

Las Vegas, Nevada 89101

(702) 545-7592

(702) 382-6903 – *facsimile*

ben@lasvegasdefensefirm.com

Attorney for Plaintiff,

CATHI BROOME

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

DAVE M. BROWN, ESQ.

Nevada Bar No. 12186

TRAVIS H. DUNSMOOR, ESQ.

Nevada Bar No.: 13111

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Las Vegas, Nevada 89101

l.brandon@moranlawfirm.com

Attorneys for Defendant,

ALBERTSONS, LLC

IT IS SO ORDERED.


U.S. Magistrate Judge

Dated: July 24, 2015



MORAN BRANDON
BENDAVID MORAN
ATTORNEYS AT LAW

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LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
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